

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Numbering Resource Optimization	)	
	)	
Implementation of the Local	)	
Competition Provisions of the	)	CC Docket No. 99-200
Telecommunications Act of 1996	)	CC Docket No. 96-98

**COMMENTS OF THE NEBRASKA PUBLIC SERVICE COMMISSION**

The Nebraska Public Service Commission (NPSC) hereby submits these comments in response to the Commission's January 26, 2007 Public Notice for the above-captioned matter. On October 10, 2006 the Kentucky Public Service Commission (Kentucky PSC) filed a petition for delegated authority to implement additional number conservation measures. The NPSC appreciates the opportunity to submit these comments in support of the Kentucky PSC's petition.

The Kentucky PSC requests authority to utilize mandatory thousands block pooling within the 270 Numbering Plan Area (NPA) in the state of Kentucky. NANPA has informed the Kentucky PSC that the 270 NPA is in jeopardy and is currently projected to exhaust in the fourth quarter of 2007. The FCC found in the First Report and Order that pooling authority should be granted to state commissions demonstrating (1) an NPA in its state is in jeopardy; (2) the NPA in question has a remaining life span of at least a year; and (3) the NPA is in one of the largest 100 MSAs or alternatively the majority of wireline carriers in the NPA are local number portability (LNP) capable.<sup>1</sup> The

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<sup>1</sup> *Numbering Resource Optimization Report and Order and Further Notice of Proposed Rulemaking*, CC Docket No. 99-200 (rel. March 31, 2000).

NPSC believes based on the petition filed by the Kentucky PSC that the Commission's criteria have been met and that a grant of the petition would serve the public interest.

Telephone numbers from the North American Numbering Plan are a public resource not an asset of the company to whom they are assigned. Failure to treat telephone numbers as a scarce resource that should be conserved could lead to premature exhaustion of the NANP and result in implementation of relief plans. From a consumer perspective, extending the life of an area code is preferable to the cost and inconvenience of an area code split or overlay that generally results from the implementation of a traditional relief plans. Thousands-block number pooling has been proven to be an effective method of conserving numbering resources and does not unduly encumber or advantage any of the parties involved.

The NPSC continues to support the FCC's previous proposal to extend mandatory pooling by giving the states discretion to implement pooling. The NPSC believes that a process which requires the Commission to review each request from the states to extend mandatory thousands-block numbering pooling to NPAs on a case-by-case basis is too time consuming and inefficient. Therefore, the NPSC urges the Commission to delegate authority to implement mandatory thousands-block number pooling to the states. Giving the states the authority to act more expeditiously in response to their individual needs will allow more efficiency in the use of existing numbering resources, minimize costs to subscribers and avoid the premature exhaust of area codes.

With the current market dynamics and the speed with which new technology is brought to the marketplace it is important to provide all carriers quick access to local numbering resources. The NPSC is of the opinion number conservation methods that can be used by state regulators to meet the needs of customers and carriers without further review and approval by the FCC must be established. The NPSC believes that the concept advanced by the second prong of the test, the remaining lifespan of an NPA, is still a viable test for determining when pooling should be implemented. However, we urge the Commission to establish a threshold test for the states to apply to the analysis of the remaining lifespan of their NPAs. Only when each state determines the threshold guidelines established by the Commission have been met could that state assume delegated authority and mandate pooling. The second prong could provide a framework to adopt uniform guidelines for all states, but the NPSC is of the opinion that the Commission should not mandate a specific time period for the remaining lifespan of an NPA as a threshold for assumption of the authority. New technologies and the fast paced nature of the industry require more flexibility than a specific time period allows for maximum effectiveness.

In this instance, a grant of the petition would conserve critical numbering resources and save consumers the possible expense of an area code overlay or split. Thousands-block number pooling has been proven to be an effective method of conserving numbering resources and does not unduly encumber or advantage any of the parties involved.

Other states, like Nebraska, have benefited from the authority to implement mandatory thousands-block pooling. While the NPSC supports the delegation of

authority to all states, the NPSC believes that a specific grant of the authority to the Kentucky PSC should be handled more quickly and efficiently by the Commission. Therefore, the NPSC urges the Commission to act swiftly to grant the petition filed by the Kentucky PSC.

Respectfully Submitted,

NEBRASKA PUBLIC SERVICE COMMISSION

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